

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1712.01
COMPLAINT INVESTIGATOR: Susan Miner
DATE OF COMPLAINT: March 15, 2001
DATE OF REPORT: April 11, 2001
REQUEST FOR RECONSIDERATION: yes/Revised May 11, 2001
DATE OF CLOSURE: August 30, 2001

COMPLAINT ISSUES:

Whether the MSD of Perry Township and the RISE Special Services violated:

- 511 IAC 7-10-3(e) with regard to the school's alleged failure to conduct an educational evaluation and convene a case conference committee(CCC) within forty instructional days of the date of the parent's written consent in March 2000.
- 511 IAC 7-10-3(c) with regard to the school's alleged failure to hold a personal meeting with the parent or otherwise notify the parent in writing to obtain and share the information identified in 511 IAC 7-10-3(c)(1) through (6) after the parent requested an evaluation in March 2000.
- 511 IAC 7-10-3(c)(6) with regard to the school's alleged failure to provide the parent with written notice of parent rights and procedural safeguards after the parent requested an evaluation in March 2000.
- 511 IAC 7-25-4(a) with regard to the school's alleged failure to hold a personal meeting with the parent or otherwise notify the parent in writing to obtain and share the information identified in 511 IAC 7-25-4(a)(1) through (8) after the parent requested an evaluation in March 2001.

During the course of the investigation the following issue was added:

- 511 IAC 7-10-2(f)(1) through (4) with regard to the school's alleged failure to notify the parent in writing of the components of general education intervention prior to the initiation of general education intervention.

FINDINGS OF FACT:

1. The student (Student) is a nine-year-old, third-grader who was being evaluated for special education and related services at the time the complaint was filed.
2. The school acknowledges that the parent requested to have the student evaluated for a possible learning disability in March of 2000. A copy of email correspondence from the assistant principal to the parent dated March 7, 2000 states, "Thanks for the note and I'll start the process here at school beginning with a Woodcock-Johnson test and the Sylan [sic] Skills test. If these show discrepancies, then. . . our school psychometrist will need to meet with you to discuss further evaluation." Neither the parent or the school kept a copy of the note referenced in this email correspondence.

3. Subsequent to the parent's written request for an evaluation in March 2000, the school failed to conduct a personal meeting with or provide written information to the parent, as required by 511 IAC 7-10-3(c), regarding the procedures for an initial evaluation and failed to provide the parent with a copy of the procedural safeguards.
4. On March 20, 2000, in response to the parent's inquiry, the assistant principal advised that the testing would be done that week. On May 8, 2000, the parent inquired again as to the status of the "testing," and the assistant principal advised that computer problems delayed access to the testing data and results. The formal report on the results of the Children's Skills Test indicates the Student was tested on May 11, 2000, more than forty instructional days after the parent's request for an evaluation.
5. The written report of the Children's Skills Test provides numerical data listed as Aptitude (IQ) Test Scores, Achievement Scores, Aptitude (IQ) Composites, and Achievement Composites as well as grade equivalents. This same report also provides written narrative analysis of the numerical scores as well as a narrative analysis of the comparisons between the different sections of the test. This report was sent home to the parent without benefit of discussion.
6. There is no documentation to indicate a case conference committee meeting was held on or after May 11, 2000, to discuss evaluation results and make an eligibility determination.
7. In response to the parent's request for an initial educational evaluation in March 2000, the school initiated the general education intervention (GEI) process that started with a review of current standardized test data and the administration of a screening test such as the Woodcock-Johnson, the Sylvan Skills Test, or the Children's Skills Test. The school's *Special Services Handbook* (handbook) states that "[a] General Education Intervention plan is usually designed as a pre-referral step" after a request for evaluation has been made. The handbook also states that GEI is to include specific timelines for review and that the parent is to be notified of the types of interventions, the reasons for the interventions, the timelines for implementation and review, the right to meet with those involved with the interventions, and the right to request a formal educational evaluation.
8. The school determined that, based on the results obtained, no intervention or educational evaluation was warranted. The school did not provide the parent with written notification, prior to the initiation of the GEI, of the types of interventions to be used, the timelines for the interventions, the parent's right to meet with persons involved in the interventions, or the parent's right to initiate a formal request for an educational evaluation. The school did not initiate the process to obtain the parent's written consent for an evaluation. The parent did not withdraw or hold her previous request for an evaluation in abeyance pending GEI.
9. On March 14, 2001, during a meeting with school personnel, the parent reports she asked about evaluation and was told that the assistant principal met with the professional staff, looked at the Student's standardized test scores, and determined the Student did not need to be referred for an evaluation. The parent requested and signed a copy of a referral for an initial educational evaluation on March 14, 2001. The referral form indicates that the information required by 511 IAC 7-25-4(a) was covered, and the parent initialed the form, indicating receipt of a copy of "Areas of Assessment," a description of the review process, a description of the evaluation process, and a list of sources to obtain assistance in understanding these provisions. The parent was provided a copy of the procedural safeguards.

CONCLUSIONS:

1. Findings of Fact #2 indicates that the parent made a written request for an educational evaluation that was acknowledged by the school on March 7, 2000. Findings of Fact #4, #5, and #6 reflect

that the Children's Skills Test was completed more than forty instructional days after the parent's request and that no case conference committee convened to discuss the results of the testing or determine the Student's eligibility for special education services. Therefore, a violation of 511 IAC 7-10-3(e) is found.

2. Finding of Fact #3 establishes that the school failed to hold a personal meeting with the parent or otherwise notify the parent in writing to obtain and share the information identified in 511 IAC 7-10-3(c) subsequent to the parent's request for an educational evaluation in March 2000. Therefore, a violation of 511 IAC 7-10-3(c) is found.
3. Finding of Fact #3 indicates that the school failed to provide the parent with written notice of parent rights and procedural safeguards subsequent to the parent's request for an educational evaluation in March 2000. Therefore, a violation of 511 IAC 7-10-3(c)(6) is found.
4. Finding of Fact #9 reflects that the school met with the parent as a result of the parent's March 14, 2001, request for an educational evaluation, and all of the information required by 511 IAC 7-25-4(a) was discussed or otherwise provided to the parent. Therefore, no violation of 511 IAC 7-25-4(a) is found.
5. Findings of Facts #7 and #8 indicate the school initiated the GEI process in response to the parent's request for an educational evaluation. However, the school failed to notify the parent, prior to the initiation of the GEI process of what was going to be done, the reasons for doing it, the timelines for the process, the parent's right to meet with the individual administering the screening instrument, and the parent's right to initiate an educational evaluation. Therefore, a violation of 511 IAC 7-10-2(f) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Perry Township and the RISE Special Services shall:

1. Complete the student's initial evaluation and convene a CCC meeting no later than April 30, 2001. If the student is determined eligible for special education and related services, the CCC must discuss the Student's need for compensatory services, including extended school year services. A copy of the CCC Report/IEP shall be submitted to the Division no later than May 7, 2001.
2. In-service professional staff at the Student's elementary school, on the following issues:
 - a. General education intervention may not be used as a prerequisite to a referral for or the conduct of an educational evaluation - see 511 IAC 7-25-3(b);
 - b. The corrective action originally identified in 2b is rescinded.
 - c. An educational evaluation must be conducted and a case conference committee convened within sixty instructional days of the date of the parent's written consent – See 511 IAC 7-25-4(b).Documentation in the form of an in-service agenda, copies of any materials distributed, and a list of attendees by name, title, and school building shall be submitted to the Division no later than May 18, 2001.
3. Send written reminder/notice to RISE special education staff and to all building principals in the RISE participating corporations incorporating the information identified in corrective action #2. A copy of the information sent and a list of the individuals to whom it was sent shall be submitted to

the Division no later than September 1, 2001.